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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
100 BOSCH BOULEVARD  
NEW BERN NC 28562

In re Application of :  
Magg et al. :  
Application No. 10/587,226 :  
PCT No.: PCT/EP04/06928 :  
Int. Filing Date: 25 June 2004 :  
Priority Date: 30 January 2004 :  
Atty. Docket No.: 2004P00819WOUS :  
For: Brewing Chamber For A Coffee :  
Machine, And A Coffee Machine :  
DECISION

This is in response to the correspondence filed on 30 July 2007.

### BACKGROUND

This international application was filed on 25 June 2004, claimed an earliest priority date of 30 January 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 August 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 July 2006. Applicants filed, *inter alia*, the basic national fee on 24 July 2006.

On 05 April 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b), as well as the surcharge under 37 CFR 1.492(h).

### DISCUSSION

Inspection of the declaration filed on 24 July 2006 reveals that it nominates "Johann Magg" in place of "MAGG, Johannes" who was named in the published international application. Counsel attributes this discrepancy to a typographical error made during the international phase, and indicates that the spelling appearing on the Declaration document is the correct spelling of the inventor's name. Counsel urges vacatur of the Notification of Missing Requirements.

MPEP 605.04(b) states in part that

*Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

This discrepancy is clearly more than a mere typographical or transliteration error in that applicant appears to be changing from one name to another, though similar, name. As such, a

petition (and fee) under 37 CFR 1.182 is required. *See also* MPEP MPEP § 201.03(b). In the absence of such a petition, it would not be appropriate to accept the declaration at this time.

**CONCLUSION**

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459